

March 2, 2012

US EPA RECORDS CENTER REGION 5



435042

VIA EMAIL AND FED EX

Joan Tanaka, Chief
Remedial Response Branch #1
SuperFund Division
US Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Re: Second Notice – General Notice Letter – Chemetco Superfund Site

Dear Ms. Tanaka:

On behalf of **Sloan Valve Company** ("Sloan"), receipt is acknowledged of your recent letter dated February 17, 2012, following up on the original EPA General Notice Letter issued November 30, 2011 for the Chemetco Superfund site in Hartford, Illinois.

While we did not reply in writing to the original letter, we did indicate by telephone message to the EPA that we were willing to participate in negotiations, and we did, in fact, also participate telephonically in the large group meeting held in Chicago on December 20, 2011.

With respect to the specific elements discussed in the general notice letter dated November 30, 2011, Sloan states, and has previously stated, that it sold commercially valuable dross materials to Chemetco, but that Sloan had no transactions with Chemetco that Sloan believes would trigger any type of CERCLA or other clean-up liability on behalf of Sloan.

All transactions between Sloan and Chemetco were commercially reasonable and involved materials that were commercially valuable. Specifically, the materials sent by Sloan to Chemetco contained valuable amounts of metals which Chemetco intended to recover and, to our knowledge, which Chemetco did recover for commercial value. The principal item of value in the dross material sent to Chemetco was copper.

Additionally, Sloan had previously responded to a State of Illinois EPA inquiry related to the Chemetco property. A copy of the cover letter for that response, and the list of enclosures to that response, is enclosed for your reference and outlines in somewhat greater detail the position Sloan has in this matter.

Notwithstanding the fact that Sloan believes it has no responsibility for the environmental affairs at the Chemetco site, Sloan is nonetheless willing to enter into appropriate dialogue with the US EPA to more fully explain the basis of its belief that it has no liability, and to provide US EPA such reasonable additional information as US EPA may need to concur in this assessment.

There are a number of additional issues that are raised by the unique facts and circumstances of the Chemetco site. These include the EPA interpretive guidances and court decisions that have dealt with the complex factual and legal circumstances involving the sale and processing of valuable commercial "scrap materials." They also include several recent Supreme Court decisions, involving the BNSF case, among others. We do not believe this letter is the appropriate forum in which to go into those items in any significant detail. However, we want to both preserve our right to address those issues more fully in the future and to clearly communicate to US EPA what our assessment of the situation is based on all currently available facts.

We trust this response meets your present needs for a written response on or before March 3, 2012. We look forward to the next meeting of the group conducting informal negotiations with the US EPA. We trust, pending the continuation of such negotiations, that no other enforcement action will be taken by EPA.

As always, please do not hesitate to call with any questions. Thank you.

Sincerely,

SNR Denton US LLP

By:



Frank H. Hackmann

Enclosure

cc: Mr. Robert Beard
Mr. Eric Schol
Ms. Betty Johnson

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May 8, 2008

VIA FEDERAL EXPRESS

Erin J. Rednour
Remedial Project Manager
Environmental Protection Agency
Bureau of Land
Division of Remediation Management
1021 North Grand Avenue East
Springfield, IL 62794-9276

**Re: Chemetco Site--CERCLA, 104(e)-Information Request
Response of Sloan Valve Company**

Dear Ms. Rednour:

On behalf of Sloan Valve Company (Sloan) and in response to the request dated February 22, 2008 signed by Mr. Clarence L. Smith, we are pleased to provide the enclosed information. Consistent with prior communications with counsel for the Agency, Michael S. Roubitchek, Assistant Counsel, we requested and received an extension until May 9, 2008 to respond to this request. We appreciate the Agency's extension of response time and its willingness to let us use Federal Express to respond.

As is more fully set forth on the enclosures responding in detail to the Agency's questions, we do not believe that any of the activities undertaken by Sloan with respect to the Chemetco site were activities of the type and nature such that they would properly trigger a valid claim under either state or federal law for clean-up liability on the part of Sloan.

In summary, Sloan sent only materials that had inherent economic value to the Chemetco site. Sloan received appropriate compensation for those materials. Accordingly, we do not believe that those transactions should result in any clean-up liability at the Chemetco site, or elsewhere, on the part of Sloan.

Erin Rednour
May 8, 2008
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We trust that once you have reviewed our enclosures, including our summary of transactions with Chemetco, you will concur with our conclusion. However, in the event that you have any questions which you would like to discuss in further detail with us, please contact me at your convenience, and we will endeavor to answer any questions. Thank you.

Sincerely,



Frank H. Hackmann

cc: Techlaw, Attn. Ann Anderson (w/enclosures)
205 W. Wacker Drive
Suite 16222
Chicago, IL 60606
VIA FEDERAL EXPRESS

Robert L. Beard (w/enclosures)
Director of Operations
Sloan Valve Foundry Division
Augusta, Arkansas

SLOAN VALVE COMPANY
RESPONSE TO 104(e) INFORMATION REQUEST
LIST OF ENCLOSURES

- Sloan Valve Company Enclosure 1 - Attachment B
- Sloan Valve Company Enclosure 2 - Summary of Transactions with Chemetco
- Sloan Valve Company Enclosure 3 - Purchase Order Example
- Sloan Valve Company Enclosure 4 - MSDS S-103 for Furnace Skimmings
- Sloan Valve Company Enclosure 5 - MSDS S-101 for Grinding Dust
- Sloan Valve Company Enclosure 6 - MSDS S-102 for Chip Dryer Dust
- Sloan Valve Company Enclosure 7 - MSDS S-108 for AMI Dust
- Sloan Valve Company Enclosure 8 - MSDS S-109 for Iron with Copper